

Application No.: 10/827,074
Filing Date: April 19th, 2004

AMENDMENTS TO THE DRAWINGS

Fig 1 – 3 have been amended to change legends to “Prior Art” from “Background Art”, as instructed by the Examiner. Approval of this amendment is respectfully requested. A “Replacement Sheet” for each sheet of drawings being amended can be found in the Appendix.

REMARKS

Fig 1-3 have been amended to change the legends to "Prior Art" from "Background Art" as instructed by the Examiner. Claims 11 and 15 have been amended to add new limitation "organic". New Claims 21-24 have been added.

Supports for the amendment to Claim 11 and 15 can be found in the specification (page17, line 1~4 & page 30, line 9), for example. Supports for the new claims can be found in the specification (page25-26), for example. Thus, no new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the present application in view of the amendments and following remarks.

Drawings

The drawing has been objected under 37 CFR 1.121(d) as a legend such as "Prior Art" was not shown. The drawings have been amended to change the legend to "Prior Art" as instructed by the Examiner. Applicant respectfully request withdrawal of the objection.

Rejection Under 35 USC §102

Claims 10-15, 18 and 19 have been rejected under USC 102(b) as anticipated by Hara (JP2000-036305) and Handbook of Batteries (HoB).

The Examiner equates the present invention with Hara's lead-acid battery, combining with Handbook of Battery. The Claim 11 and 15 have been amended by adding new limitation "organic" to clarify the claimed invention, and Claims 10 and 14 have been canceled. Now, those claims recite use of organic compound as the active material, while the cited references teach use of lead dioxide and metallic lead. Due to this configuration, the electrochemical cell can achieve significantly improve cycle life property without anion-exchange resin on anode (Table-1, Example 1-10 and 12), while Hara teaches a use of anion-exchange resin on anode and cathode (paragraph 13). Also, Example 1 and Example 11 in Table 1 illustrate the superiority of the present invention over Hara. (Example 1 has the anion-exchange resin on cathode and Example 11 has on anode and cathode.)

Thus, Claims 11 and 15 define a novel structure that produces an unexpected result. At least for this reason, Claim 11 and 15 as amended in herein could not be rejected on this ground,

as well as the dependent Claims 18 and 19. Applicant respectfully requests withdrawal of this rejection.

Rejection Under 35 USC §103

Claims 10-15, 18 and 19 have been rejected under 35 USC §103(a) as being unpatentable over Fitter (US 2002/0102467), HoB and Hara.

Fitter teaches use of lead-dioxide and lead as the active components (paragraph 26). Thus, Fitter provides no suggestion of the use of the organic materials recited in the presently pending claims. Similarly, as discussed above, Hara also fails to disclose or suggest the use of the recited organic materials. The HoB also provides no suggestion of these materials. Thus, the recited combination fails to provide a suggestion of all claimed elements. As such, it cannot sustain a *prima facie* showing of obviousness.

Moreover, as stated above, the recited configuration achieves significantly improved properties without using anion-exchange resin on anode (Table-1, Example 1-10 and 12). These unexpected properties clearly evidence the nonobviousness of the claimed invention, and would rebut any *prima facie* showing of obviousness, even were such a showing present.

Rejection Under 35 USC §103

Claims 16 and 17 have been rejected under 35 USC §103(a) as being unpatentable over Hara, HoB, Fitter and Aldecoa (US 5374490)

Addition of Adelcoa to the rejection adds nothing to provide an allegation of obviousness since Adelcoa is silent about the active components, the same argument is applicable in here as well. Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

In the light of the applicant's amendments to the claims and the following Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the applications, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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No Disclaimers or Disavowals


Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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